

CIVIL DOCKET

++++BARROW+COOK

72-C-110

UNITED STATES DISTRICT COURT

Jury demand date: 3/31/72 by pltf.

Consolidated 72-C-376 &

72-C-299

and 72-C-439

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

DORIS SOMERS,

v.

JOSEPH C. CALDWELL, JR., HARRY GREEN, PAUL V. HARTMAN, FERD HOWELL, RICHARD F. HUDSON, TAYLOR V. HUNTER, JERALD M. SCHUMAN, J. DONALD WALKER, JIM HEIDLER, JACQUE BOGGESE, LARKIN BAILEY, HEIDLER CORPORATION, CAROUSEL INVESTMENT CORPORATION, BERNARD BLACK, WILLIAM WHITE, RICHARD J. ROE and JOHN DOE, X CORPORATION, Y CORPORATION and Z, a partnership (the correct names of the last named seven defendants are presently unknown to the plaintiff and will be supplied by amendment); and other controlling persons of Heidler Corporation and Carousel Investment Corporation and other persons who participated with or aided and abetted the above named defendants in the acts and omissions complained of herein,

For Hartman, Schuman and Bailey: **A**
Irvine E. Ungerman, Hawley Kerr
Wright Building
Tulsa, Oklahoma 74103

(Heidler Corporation)
Roger R. Scott
Pray, Scott, Livingston
2800 4th Natl. Bldg
Tulsa, Okla. 74119

For plaintiff: R. Michael Carter

Frederic Dorwart 584-1472
Holliman, Langholz, Runnels & Dorwart
2700 Fourth Natl. Bank Building
Tulsa, Oklahoma 74119 10 E. 3rd St
74103 Suite 700
Solarus Bldg.

For Defendant:

Fred Nelson 584-7111
J. Jerry Dickman, NBT Bldg., Tulsa
(for J. Donald Walker)
Paul
Rucker, Tabor, McBride & Hopkins
Rucker Bldg.
Tulsa, Okla. 74119 587-3361

For defendant:

Jay C. Baker
Mayo Bldg.
Tulsa
587-1168
L. K. Smith (J. Donald Walker) 587-1168
914 World Bldg., Tulsa 74103
Sneed & Waddell (for Joseph C. Caldwell)
411 Thurston Natl. Bg., Tulsa 74103
G. Michael Lewis
Sam P. Daniel, Jr. (Hunter, Boggesse,
1200 Atlas Life Building Hudson, Howell & Green
Tulsa, Okla. 74103 585-5541
Joel Wohlgenuth
Robert S. Rizley (Jim Heidler) (J. Boggesse)
1100 Philtower Bldg. Tulsa 74103 583-7577

STATISTICAL RECORD

COSTS

DATE

RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 4-1-72

Clerk

3/31
4-6-72F. Dorwart
C.D. No. 45

15.00

15.00

J.S. 6 mailed 9-1-75

Marshal

Basis of Action: Sec. Act of '33
as amended, and various
securities violations -
fraud.

Action arose at:

Docket fee
Okla.
Witness fees
Depositions

Sam Mason (for J. Heidler)
Hudson Bldg
Tulsa, Ok
74119
582-5181

Continued last page

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-31-72	Complaint, filed. Summons issued. rm	
4-18-72	Return of Marshal's service of summons, filed. Served Joseph C. Caldwell, Jr. in Tulsa on 4/6/72 (USM \$5.28) rm	
4-18-72	Return of Marshal's service of summons, filed. Served Harry Green in Tulsa on 4/5/72 (USM \$3) rm	
4-18-72	Return of Marshal's service of summons, filed. Served Paul V. Hartman in Tulsa on 4/12/72 (USM \$5.88) rm	
4-18-72	Return of Marshal's service of summons, filed. Served Ferd Howell in Tulsa on 4/10/72 (USM \$4.80) rm	
4-18-72	Return of Marshal's service of summons, filed. Served Richard F. Hudson by serving Linda Brewer, sec., on 4/5/72 in Tulsa (USM \$7.32) rm	
4-18-72	Return of Marshal's service of summons, filed. Served Taylor V. Hunter in Tulsa on 4/5/72 (USM \$3.00) rm	
4-18-72	Return of Marshal's service of summons, filed. Served Jerald M. Schuman in Tulsa on 4/5/72 (USM \$3.00) rm	
4-18-72	Return of Marshal's service of summons, filed. Served J. Donald Walker in Tulsa on 4/5/72 (USM \$3.00) rm	
4-18-72	Return of Marshal's service of summons, filed. Served Jim Heidler by serving Linda Brewer, sec. in Tulsa on 4/5/72 (USM \$3.00) rm	
4-18-72	Return of Marshal's service of summons, filed. Served Jacque Boggess in Tulsa on 4/6/72 (USM \$3.00) rm	
4-18-72	Return of Marshal's service of summons, filed. Served Larkin Bailey in Tulsa on 4/5/72 (USM \$3.00) rm	
4-18-72	Return of Marshal's service of summons, filed. Served Heidler Corporation by serving Linda Brewer, sec. in Tulsa on 4/5/72 (USM \$3.00) rm	
4-18-72	Return of Marshal's service of summons, filed. Served Carousel Inv.Co. in Tulsa on 4/5/72 (&USM \$3.00) rm	
4-19-72	Application of defs. Hartman, Schuman & Bailey for add. time to ans., filed. rm - order to J.	
4-21-72	Application of deft. J. Donald Walker for extension of time in which to plead or answer, filed. hm	
4-25-72	Appl of deft. Joseph C. Caldwell, jr., Hunter, Boggess, Hudson, Howell and Green for enlarg of time w/ORDER granting 15 days from 4-24-72, within which to answer, filed. (JHP-Clerk by br)r	
4-27-72	Order extending defts, Hartmen, Schuman and Bailey an addition 20 days to answer, filed.(AEB-J)r (Copies to attys)	
4-27-72	Order granting deft J. Donald Walker an extension until 5-25-72 in which to answer, filed. (AEB-J)r (copies to attys)	
4-27-72	Req. of pltf. to Carousel Inv. for production of documents under Rule 34, filed.rm	
4-27-72	Req. of pltf. to Heidler Corp. for prod. of doc. under Rule 34, filed. rm	
4-27-72	Req. of pltf. to Jerald M. Schuman for prod. of doc. under Rule 34, filed.rm	
4-27-72	First Req. for Admissions by pltf. to defs., filed. rm	
4-27-72	First written interrogatories by pltf. to defs., filed. rm	
5-8-72	Application of Joseph C. Caldwell, Jr., deft. for ext. of time to plead. g	
5-8-72	Appl. of defs Hunter, Boggess, Hudson, Howell & Green for enlargement of time to answer, filed. rm <i>copy + Order to H. & B.</i>	
5-9-72	Application of Sam P. Daniel, Jr., to withdraw as attorney of record, filed.(O to J)hm	
5-10-72	Application of deft. Jim Heidler for enlargement of time to plead, with order granting deft. 15 days from 5-8-72 to plead, filed. (JHP-Clerk)hm	
5-10-72	Order granting Sam P. Daniel, Jr. leave to withdraw as counsel for Joseph C. Caldwell, Jr. (AEB-J)rm - copies mailed	
5-10-72	Order allowing extension of time of 20 days from 5-8-72 for defts. Hunter, Boggess, Hudson, Howell & Green to plead or answer, filed. (AEB-J)hm (copies mailed) (continued)	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-11-72	Order allowing enlargement of time for deft. Caldwell to plead or answer until 6-8-72, filed. (AEB-J)hm (copies mailed)	
5-16-72	Motion of defts. Jerald M. Schuman, Larkin Bailey and Paul V. Hartman to dismiss, filed. g	
5-16-72	Brief in support of motion to dismiss, filed. g	
5-16-72	Application of Schuman, Bailey & Hartman for extension of time to respond to request for admissions and to answer interrogatories, filed. g	
5-16-72	Appl. of def. J. Donald Walker for ext. of time to ans. interrog. <i>order orig to m</i> filed. rm	
5-17-72	Order granting def. Walker to 6/15/72 to ans. interrog. (AEB-J)rm-copies mailed	
5-17-72	Order granting defts. Hartman, Schuman and Bailey 20 days to ans. interrogatories and respond to req. for adm. (AEB-J)rm - copies mailed	
5-19-72	Notice by pltf. of taking deposition upon oral exam. and request for production of documents of Jim Heidler on 5/25/72 at 9:30, filed. rm	
5-19-72	Application of Taylor V. Hunter, Jacque Boggess, Richard F. Hudson, Ferd Howell and Harry Green for extension of time to respond to request for admissions and to answer interrogatories, filed. hm <i>orig to J</i>	
5-22-72	Application of def. Heidler Corp. for order staying proceeding, including all attempts to conduct discovery proceedings, filed. rm	
5-22-72	Order (as part of appl.) that this proceeding be stayed and all parties thereto are enjoined from conducting discovery proceedings or take any further actions, per order dated 4/27/72 in 72-B-383. (AEB-J)rm <i>Copies mailed</i>	
5-24-72	Application of Plaintiff to Strike Order and For Hearing, filed. v <i>order to</i>	
5-25-72	Order granting defts. Hunter, Boggess, Hudson, Howell and Green to 6/17/72 to ans. interrogs. and to respond to req. for Adm. (AEB-J)rm <i>copies mailed</i>	
5-26-72	Appl. of Caldwell for time to ans. interrog. etc. filed. hm	
6-2-72	Appl. of def.s Hunter, Boggess, Hudson, Howell & Green for ext. of time to ans., filed. rm <i>(orig w/o to J)</i>	
6-6-72	Entry of appearance of J. Jerry Dickman on behalf of J. Donald Walker, filed. g	
6-6-72	Order, filed, granting applic. of deft. Caldwell for time until 6-15-72 to ans. interrog. & respond to req. for admissions. (AEB-J)hm (part of application)(copies mailed)	
6-7-72	Application of deft. for enlargement of time to plead or answer, filed. g	
6-8-72	Order allowing an extension of time to defendants, Taylor V. Hunter, Jacque Boggess, Richard F. Hudson, Ferd Howell and Harry Green, to June 15, 1972, to plead or answer, filed. ds (AEB J) <i>copies mailed</i>	
6-8-72	Order, allowing enlargement of time to defendant Joseph C. Caldwell, Jr. to June 27, 1972, to plead or answer, filed. (AEB-J) ds	
6-13-72	Order filed, that defendants, Jerald M. Schuman, Larkin Bailey and Paul V. Hartman, are granted an extension of 45 days from this date to answer interrogatories, produce records and answer requests for admissions. (AEB-J) ds	
6-13-72	Application of Jerald M. Schuman; Larkin Bailey; and Paul V. Hartman for an extension of time within which to answer interrogatories, Production of documents under Rule 34, and to answer request for admissions, filed. h	
6-13-72	Application of Sam P. Daniel, Jr., attorney for Taylor V. Hunter, Richard F. Hudson, Ferd Howell and Harry Green to withdraw as attorneys of record for Jacque Boggess, filed. ds order to Judge	
6-15-72	Appl. of def. Caldwell for ext. of time to ans. interrog. & respond to req. for adm., filed. rm - Order to J.	

(OVER)

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-15-72	Appl to withdraw as counsel for deft. J. Donald Walker w/ORDER granting permission for withdrawal of Boone, Ellison & Smith, as counsel of record for J. Donald Walker, filed. (AEB-J)r (copies mailed)	
6-15-72	Order filed, that Sam P. Daniel, Jr. is granted permission to withdraw as counsel for deft. Jacque Boggess. It is further ordered that deft. Jacque Boggess, shall have until 6-25-72 within which to plead or answer to pltf's Complaint, filed. (AEB-J)r (Copies mailed)	
6-19-72	Order granting defendant Joseph C. Caldwell, Jr., until July 30, 1972, to answer interrogatories and respond to request for admissions of the plaintiff, filed. (AEB-J)g cpies mailed.	
6-22-72	Application of defts. Taylor V. Hunter, Richard F. Hudson, Ferd Howell & Harry Green for extension of time to plead or answer and to answer interrogatories, respond to request for adms. and produce documents, filed. g <i>not AEB</i>	
6-27-72	Application of the Deft., Joseph C. Caldwell, Jr., for Enlargement of time, filed. v -order to Judge.	
6-27-72	Appl. of def. J. Donald Walker for ext. of time, filed.rm - Order to J.	
7-5-72	Order granting defs. Hunter, Hudson, Howell & Green until 7/30/72 to ans. complaint and ans. interrogatories, req. for ad.m. and to produce documents. (AEB-J) rm - copies mailed	
7-5-72	Order granting def. Walker to 7/31/72 to respond to first request for adm., to ans. first written interrogatories and to ans. complaint. (AEB-J)rm-copies	
7-5-72	Order granting def. Caldwell to 7/30/72 in which to ans. complaint herein. (AEB-J) rm - copies mailed	mailed
7-13-72	Appl. of Schuman, Larkin Bailey and Paul Hartman for ext. of time to ans. interrog., production of documents, and to ans. req. for admissions, filed. rm - <i>order to J. 7/13/72</i>	
7-13-72	Order Granting Extension of time within which to answer interrogatories, Production of Records, and Answers to Request for Admissions for a period of 45 days - the Deft.s Jerald M. Schuman, Larkin Bailey and Paul V. Hartman are so allowed. (AEB-J)v <i>copies mailed</i>	
7-28-72	Appl. of def. Caldwell for ext. of time to ans. interrog. and respond to req. for adm., filed. rm - order to J.	
7-28-72	Appl of Deft. J. Donald Walker for Extension of Time to Answer, filed. r <i>request for extension to Judge</i>	
7-31-72	Application of Deft.s, Taylor V. Hunter, Richard F. Hudson, Ferd Howell and Harry Green, for Extension of Time in which to plead or answer and in which to answer interrogatories, respond to request for admissions and produce documents, filed. v -order to Judge.	
8-7-72	Order granting defs. Hunter, Hudson, Howell and Green to 8/28/72 in which to ans. complaint and interrogatories, etc. (AEB-J)rm-copies mailed	
8-9-72	Order allowing defendant, Joseph C. Caldwell, Jr. an extension of time to 9-15-72 to answer interrogatories and answer complaint, filed. ds (AEB-J)	
8-9-72	Order allowing defendant J. Donald Walker an extension of time to 8-28-72 to respond to request for admissions, answer interrogatories and answer complaint, filed. ds. (AEB-J) copies of both orders mailed attys	
8-23-72	Appl. of def. Schuman, Bailey & Hartman for ext. of time to ans. interr., prod. of doc., and ans. req. for adm., with memo in support, filed. rm	
8-23-72	Order granting ext. of time of 45 days for above defs. to ans., (AEB-J)rm-copies	mailed
8-23-72	Entry of Appearance, filed as to Robert S. Rizley for the Deft., Jacque Boggess. v	
8-25-72	Application of defts. Hunter, Hudson, Howell & Green for extension of time to plead or answer, and to answer interrogatories, responde to request for admissions and produce documents, filed. g <i>order to Judge</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-28-72	Pltf's motion (and brief in support thereof) for order with respect to pre-trial discovery, filed. hm	
8-28-72	Appl. of def. Walker for ext. of time to respond to 1st req. for adm., to ans. 1st written interrog. and to ans., filed. rm - Order to J.	
8-29-72	Objection to application of defendants for extension of time, filed. ds	
8-31-72	<i>Called Mr. Barrow & told him need a brief for consideration of application</i> Application of Defts., Jim Heidler & Jacque Boggess, for Extension of time in which to plead or answer and in which to answer interrogatories, respond to request for admissions and produce documents, filed. v <i>order to J.</i>	
9-6-72	Objection to Appl. of Deft.s, Jim Heidler & Jacque Boggess, for extension of time in which to plead or answer & in which to answer interrogatories, respond to request for admissions and produce documents, filed. v	
9-15-72	Application for enlargement of time by defendant, Joseph C. Caldwell, Jr. filed. ds (Order to Judge Barrow.	
9-19-72	Ordered that Magistrate conduct hearing on all pending motions. (AEB-J)hm	
9-19-72	Hearing held before Magistrate on all pending motions. It is recommended that motion of defts. Schuman, Bailey & Hartman to dismiss be <u>overruled</u> ; that pltf's application to strike order & for hearing be <u>overruled</u> ; that applications of defts. Hunter, Hudson, Howell, Green, Walker, Heidler & Boggess/ ^{& Caldwell} for extension of time in which to plead or answer interrogatories and respond to requests for admission be <u>denied</u> and said defts. are given until 10-3-72 to plead or answer & to ans. interrog. & respond to requests for admissions. The extension of time of defts. Schuman, Bailey & Hartmen granted on 8-23 extending time to plead or answer, etc. is reduced from 10-6-72 to 10-3-72; and that pltf's motion for order with respect to pre-trial discovery be <u>overruled</u> . Pltf. counsel given 5 days to prepare findings & recommendations. (MLB-Mag)hm	
9-21-72	Recommendations of Magistrate, filed. (MLB-Mag)hm (copies mailed)	
9-27-72	Objections to ^{of A Caldwell} Recommendations of Magistrate, with Notice of filing objections attached, & cert. of service, filed. v	
9-29-72	Brief of def. Caldwell in support of obj. to rec. of Mag., filed. rm	
10-2-72	Objections to Recommendations of Magistrate, filed by Richard F. Hudson, Ferd Howell, Taylor V. Hunter and Harry Green. ^{As} v	
10-2-72	Notice of Filing Objections to Recommendations of Magistrate, filed by James W. Heidler and Jacque Boggess. v	
10-2-72	Objections to Recommendations of Magistrate, filed by James W. Heidler & Jacque Boggess, Deft.s. v	
10-2-72	Brief in Support of Objections to Recommendations of Magistrate, filed.v	
10-3-72	Ordered by the Court that Pltf. is granted 10 days from this date to respond to Deft.s' Objections to Rec. of Mag., that were filed on 9-27-72, and on 10-2-72. (AEB-J)v	
10-3-72	Def. Larkin Bailey's ans. to 1st req. for admissions, filed. rm	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-3-72	Def. Schuman's ans. to 1st req. for admissions, filed. rm	
10-3-72	Def. Hartman's ans. to first req. for admissions, filed. rm	
10-3-72	Def. Schuman's ans. to first written interrogatories, filed. rm	
10-3-72	Def. Bailey's answers to first written interrogatories, filed. rm	
10-3-72	Def. Hartman's answers to first written interrogatories, filed. rm	
10-3-72	Def. Schuman's response to pltf.'s req. for production of documents, filed. rm	
10-3-72	Memorandum brief in support of recommendations of magistrate filed by Plaintiff. h <i>orig to Marilyn</i>	
10-5-72	Pltf.'s req. for prod. of documents to def. Hartman, filed. rm	
10-5-72	Pltf.'s req. for prod. of documents to def. Bailey, filed. rm	
10-10-72	Pltf.'s req. for prod. of documents to def. Schuman, filed. rm	
10-10-72	Motion of pltf. for order compelling defs. Schuman, Bailey and Hartman to ans. first written interrogatories, filed.	
10-10-72	Motion of pltf. for order in accordance with Rule 36(a), filed. rm	
10-10-72	Brief of pltf. in support of mot. for orders (as above), filed. rm-	
10-10-72	Ordered that defs. are granted 10 days in which to respond to pltf.'s motions (as above) (AEB-J) rm - ltr. written	
10-10-72	<u>Answer</u> of defs. Schuman, Hartman and Bailey, filed. rm	
10-20-72	Appl. of Schuman, Larkin Bailey & Hartman for ext. of time to respond to pltf.'s mo. for order compelling defs. to ans. 1st interrog., filed. rm <i>copy to Marilyn</i>	
10-26-72	Response of defendant Paul V. Hartman to Plaintiff's request for production of documents under Rule 34, filed. ds Copy to Marilyn	
10-26-72	Order filed, granting defts Schuman, Bailey & Hartman, an ext. of 15 days from 10-19-72, in which to respond to pltf's Mot for Order compelling answer and Motion for Order in accordance w/Rule 36(A), filed (AEB-J)r (Copies mailed)	
10-30-72	Second written interrogatories to Paul V. Hartman, filed. ds	
11-3-72	Response of def. Bailey to pltf's req. for prod. of documents, filed.	
11-3-72	Defendant Jerald M. Schuman's Second Response to Plaintiff's request for production of documents under Rule 34, filed. h	
11-3-72	Memorandum brief in support of def's objection ^{RESPONSE} to plaintiff's motion for order in accordance with Rule 36(a) and Plaintiff's motion for order compelling def to answer first written Interrogatories, filed. h	
11-6-72	Order overruling objections to recommendations of Magistrate, filed, and adopting F&R of Magistrate. (AEB-J) hm (copies mailed)	
11-7-72	Pltf's Second Written Interrog. to Larkin Bailey, filed. r	
11-7-72	ANSWER of defts Harry Green, Ferd Howell, Richard F. Hudson and Taylor V. Hunter, filed. r	

Continued

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-9-72	Exhibits, 1 through 7, filed. (Also filed in 72-C-111, but held in this file) ds	
11-10-72	ANSWER OF JOSEPH C. CALDWELL, Jr., filed. r	
11-13-72	Answers to Plaintiff's First Request for Admission by defendants Harry Green, Richard F. Hudson, Taylor V. Hunter, and Ferd Howell filed.h	
11-13-72	Answers to Plaintiff's Interrogatories by defendants Harry Green, Richard F. Hudson, Taylor V. Hunter and Ferd Howell filed.h	
11-16-72	Deft. Joseph C. Caldwell, Jr.'s Answers to First Request for Admissions, filed. v	
11-16-72	Deft. Joseph C. Caldwell, Jr.'s Answers to First Written Interrogatories, filed. v	
11-17-72	Substitution of Atty.s of Record for Deft., Jerald M. Schuman, filed. Substituting in, the firm of Rucker, Tabor, McBride & Hopkins. v	
11-24-72	Response of deft. Paul V. Hartman to pltf's second written interrogatories, filed. hm	
12-6-72	Response of def. Bailey to pltf.'s second written interrogatories, filed.rm	
12-29-72	Answers of Deft., Jim Heidler, to Pltf.'s Interrogatories, filed. v	
12-29-72	Answers of Deft., Jim Heidler, to Pltf.'s First Request for Admissions, filed. v	
12-29-72	Answers of Deft., Jacque Boggess, to Pltf.'s Interrogatories, filed.v	
12-29-72	Answers of Deft., Jacque Boggess, to Pltf.'s First Request for Admissions, filed. v	
1-8-73	Answer of Jim Heidler to complaint, filed. rm	
1-8-73	Answer of def. Jacque Boggess to complaint, filed. rm	
1-9-73	Answer of deft J. Donald Walerk, filed. js	
1-24-73	Notice of taking deposition of J. Heidler by def. Schuman on 1/29/73, filed.rm	
2-23-73	xxClaimxxCommissionersxxfiledxxxx	
2-27-73	Request for Production of Documents Under Rule 34, filed. jj	
4-5-73	Notice by pltf. of taking deposition of J.Edd New in Okla. City on 4/12/73. rm Subpoena issued	
4-12-73	Dep. Subpoenae, ret. & filed: served J. Edd New, Ok. City, 4-10-73. (USM \$3.00)g	
5-15-73	Deposition of J. Edd New, taken on behalf of pltf., filed. (\$135 fee pd. by pltf.) rm	
5-22-73	Notice of Taking Dep. of Jacque Boggess by pltf. on 6/5/73, filed. jj	
5-22-73	Notice of Taking Dep. of Jerald M. Schuman by pltf. on 6/1/73, filed. jj	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-31-73	Hearing on motions and passed before U.S. Magistrate. Both motions for order compelling defts Schuman, Bailey and Hartman to answer first Interrogatories and plaintiff's motion for order in accordance with Rule 36(a) passed for purpose of taking depositions; to be reset on request not to exceed 30 days. (MEB-USM.)h	
6-14-73	Application for allowance of costs, including reasonable attorney's fees, filed. ds	
6-14-73	Motion to compel defendant, Schuman, to answer questions upon oral deposition, filed. ds	
6-14-73	Motion to compel Schuman to produce insurance policy, filed. ds	
6-14-73	Plaintiff's brief in support of Motion to compel answers to questions on oral deposition and motion to produce insurance policy, and application for allowance of costs, filed. ds	
6-15-73	Deft. Schuman's Notice of Taking Deposition, filed. jj	
6-25-73	Application for Continuance of the Taking of the Depositions of Doris Somers, Leslie W. McCown, John E. Newkirk and Ethel Mae Newkirk, filed. jj	
6-26-73	Order, filed, continuing the taking of the depositions of Doris Somers, Leslie W. McCown, John E. Newkirk and Ethel Mae Newkirk. v	
7-16-73	Appearance of David W. Jackson and Rhodes, Hieronymus, Holloway, and Wilson for Jerald M. SCHUMAN, filed. v <i>a copy to be in file case 72-C-299 v</i>	
8-7-73	Ordered by the Court that this case is set on the August 14, 1973, Docket for Hearing on Motion to Compel Deft. Schuman to Answer Questions upon oral deposition filed June 14, 1973, at 10:00 A.M. (AEB-J)v <i>parties notified by ltr 8-7-73.</i>	
8-13-73	Defendant Schuman's brief in opposition to plaintiff's motion to compel defendant to answer questions upon oral deposition, to produce insurance policy and application for allowance of costs and atty fees, filed. ds	
8-14-73	Case called for Hearing on Motion to Compel Deft. Schuman to Answer. Parties present and rep. Court compels Deft. Schuman to answer and Paul McBride for Schuman is to prepare the necessary order. (AEB-J)v	
9-17-73	Order filed that Motion to Compel Deft. Schuman to answer granted; further ordered that all Officers enjoined from suing or pursuing any claim against Schuman for divulgence of information; further that Schuman may not object to discovery procedure.(AEB-J)h -copies-	
10-15-73	Withdrawal of plaintiff's mot. for order in accordance with Rule 36(a) and plaintiff's mot. for order compelling defts. Schuman, Bailey and Hartman to answer first written interrogatories, filed.g <i>etc</i>	
10-16-73	Order, filed, approving withdrawal of pltf. mo/order pursuant to 36(a) and Mo/order compelling defs. Schuman, Bailey & Hartman to answer written interrogatories. (AEB-J)rm <i>copies made</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-16-73	Deposition of J. Donald Walker on behalf of plaintiffs, filed. g (\$162.00)	
11-16-73	Deposition of Richard F. Hudson on behalf of plaintiffs, filed. g (\$130.50)	
11-27-73	Notice of taking deposition of Joseph C. Caldwell, Jr. filed by pltf. h	
1-4-74	Notice of taking depositions of Larkin Bailey & Rbt. Caraway, filed. v	
1-29-74	Depo. of Larkin Bailey taken on behalf of Pltfs. on 1-10-74, with fees of \$135.00, filed. Jimmie J. Reed-CSR. v	
1-29-74	Depos. of Jacque Boggess taken on behalf of Pltfs. on 6-5 & 6-73, with fees of \$159.00, filed. Jimmie J. Reed-CSR. v	
3-20-74	Parties directed to hold pre-trial conference prior to 4-25-74 and file PT order not later than 5-2-74. (AEB-J)hm	
4-29-74	Pltf's First Request for Admissions, filed. e	
4-29-74	Response of Heidler Corp. to Pltf's First Request for Admissions, filed. e	
5-29-74	Response of Joseph C. Caldwell, Jr. to First Request for Admissions, filed. e	
5-29-74	Application of defendants Jim Heidler and Jacque Boggess for an extension of time within which to respond to plaintiff's request for admissions, filed. ds (0 to J	
5-30-74	Order, filed, granting defs. Jim Heidler & Boggess, to 6/28/74 to respond to pltf. req. for admissions. (AEB-J)rm - copies mailed	
5-31-74	Appl. of defs. Green, Howell, Hudson & Hunter for ext. of time to ans. req. for admissions, filed. rm 0 to J	
6-3-74	Order, filed, ext. time ^{30 days from 5-30-74} for defts. Green, Howell, Hudson and Hunter to respond to first request for admissions. (AEB-J)g <i>granted</i>	
6-3-74	MO: It is ordered that defts. Harry Green, Ferd Howell, Richard F. Hudson and Taylor V. Hunter be granted no more extensions after the one filed this date to respond to the first request for admissions. (AEB-J)g	
6-4-74	Notice of taking depositions by plaintiff, filed. ds	
6-6-74	Answers to Defts Hartmand and Bailey to Pltf's 1st Request for Admissions, filed.jj	
6-13-74	MO: It is ordered that the instant litigation is stayed pending decision of Hon. Luther Bohanon on a Mot. for S.Judg. now under advisement in Leslie W. McCown v. Joseph C. Caldwell, Jr., et al, 72-C-376. (AEB-J)g	
6-21-74	Continuation of Dep. of Jacque Boggess on behalf of pltfs, taken before Frank L. Peterson 6-5-74 by Frank L. Peterson, fee of \$35.00 pd. by pltf., filed.jj	

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-17-74	Order, filed, vacating order of 6-13-74 staying proceedings, effective 7-5-74. (AEB-J)g copies mailed.	
8-1-74	Response of Harry Green, Ferd Howell, Richard F. Hudson & Taylor V. Hunter to first request for admissions propounded by Pltf, filed.k (original in 72-C-376)	
8-8-74	Pltf's proposed pretrial order, filed.k	
8-26-74	Deft's proposed pretrial order, filed. lm	
8-27-74	Order, filed, granting Defts. 10 days from 8-26-74 (9-5-74) to adopt Defts' Proposed PT Order filed by Defts' Hudson, Howell, Green and Hunter and concurred in by Deft. Caldwell, to submit modified consensus Order or submit alternative Orders. (AEB-J)jj <i>copies mailed</i>	
9-9-74	Notice of deposition continuation, filed by pltfs. k	
9-26-74	Response of James Heidler to First Request for Admissions, filed.lm (original in 72-C-376)	
9-26-74	Response of Jacques Boggess to First Request for Admissions, filed.lm (original in 72-C-376)	
10-11-74	Answers of deft. Schuman to pltfs' first request for admissions, filed.k <i>original in 72-C-439</i>	
11-12-74	Dep. of Artie F. Palk, on behalf of pltf., filed. g	
11-12-74	Dep. of J. Donald Walker, on behalf of defts., filed. (\$23.75)g	
11-12-74	Dep. of Jacques Boggess on behalf of pltf., filed. (\$112.50)g	
11-12-74	Dep. of Doris Lorraine Somers, on behalf of defts., filed. (\$202.50)g	
11-12-74	Dep. of Larkin Bailey, on behalf of pltf., filed. (\$106.00)g	
11-12-74	Dep. of Paul V. Hartman, on behalf of pltf., filed. (\$96.00)g	
11-12-74	Dep. of Jerald Mandel Schuman, on behalf of pltf., filed. (\$259.50)g	
11-12-74	Dep. of Jerald Mandel Schuman, taken 6-8-73 on behalf of pltf., filed. (\$85.50)g	
11-12-74	Dep. of Harry J. Green, on behalf of pltf., filed. (\$78.00)g	
11-12-74	Dep. of Taylor V. Hunter, on behalf of pltfs., filed. (\$166.50)g	
11-12-74	Dep. of Ferd Howell, on behalf of pltf., filed. (\$103.50)g	
11-19-74	Deposition of James Wesley Heidler, on behalf of Pltf., taken on 1-23 and 29, 1973, and continuation on behalf of Deft. Jerald M. Schuman, taken on 1-29-73 and 2-19-73, before Frank L. Peterson, CSR, with fees of \$201.00 pd. by pltf., and \$251.00 paid by Deft. Schuman, filed. v	
11-21-74	Deposition of Joseph C. Caldwell, Jr. taken on behalf of pltfs. by Frank Peterson on 12/14/73 in Tulsa, filed. rm (\$321 pd by pltf)	
12-6-74	MO: Case set for disposition on 12-10-74 at 10:30 a.m. for failure of certain defts. to adopt Proposed PT Order filed by Defts. Hudson, Howell, Green, Hunter, & concurred in by Caldwell. (AEB-J)k copies sent by certified mail	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-10-74	Case called for disposition. Parties represented. Roger Scott allowed to withdraw as attorney. Pre-trial set 12-17-74, at 10:00 A.M., before Judge Barrow's Law Clerk & to determine possible consolidation. (AEB-J)b	
12-17-74	MO: Pursuant to order of the Court, pre-trial conference was had at 10 a.m. on 12-17-74. IT IS ORDERED that the parties submit an agreed pre-trial order within 10 days of this date. NO EXTENSIONS TO BE GRANTED. IT IS FURTHER ORDERED that the parties certify questions of law, briefs in regard thereto, and proposed instructions within 15 days of this date. NO EXTENSIONS TO BE GRANTED. (AEB-J)g	
12-18-74	Appl. of defts. Hudson, Howell, Hunter and Green for enlargement of time from 15 to 31 days to submit certification of questions, etc., filed. g <i>copy</i>	
12-19-74	Order, filed, that parties are granted until 1-17-75 to certify questions of law, briefs in regard thereto, & proposed instructions. No extensions will be granted. (AEB-J)v -copies mailed.	
1-3-75	Pretrial order, filed. (AEB-J)g	
1-15-75	Appl., of defts. Bailey, Hartman, Schuman & Caldwell, for ext. of time to submit briefs on issues of law and req. instructions, filed. rm 0	
1-16-75	Order, filed, granting all parties herein until 2-19-75 to submit their respective briefs on issues of law and respective requested instructions. (AEB-J)g <i>mailed</i>	
2-10-75	Deft. Caldwell's Submission of Instructions, filed. b	
2-10-75	MO: Ordered by the Court that Defts' Bailey & Hartman are granted 10 days ^{extensions} to file instructions. (AEB-J)b	
2-10-75	Motion for Summary Judgment of Deft. Joseph C. Caldwell, Jr., filed. b	
2-10-75	Brief in Support of motion of Deft. Caldwell for summary Judgment, filed. b	
2-10-75	Brief of defts., Bailey and Hartman, on contested issues of law as set forth in pre-trial order, filed. rm	
2-10-75	Pltf.'s Certification of Issues, Brief and Proposed Jury Instructions, filed. v <i>Page 2</i>	
2-10-75	MO: It is ordered by the Court that pltf. is granted 10 days to respond to deft. Caldwell's mot for S/J. (AEB-J)k cps mld	
2-14-75	Motion of pltf. to strike def. Caldwell's mo/SJ, filed. rm	
2-14-75	Brief of pltf. in support of mo/strike, filed. rm	
2-18-75	MO: It is ordered by the Court that pltf's mot. to strike deft. Caldwell's mot. for S/J is hereby sustained, and Deft. Caldwell's Mot. for S/J is stricken. (AEB-J)k cps mld	
2-20-75	Case set for jury trial on 3-10-75, at 9:30 A.M. (AEB-J)b nts mld.	
2-21-75	Application for Continuance from present jury trial setting, filed by Defts. b	
2-21-75	Submission of Proposed Instructions by Defts., filed. jj	

DATE	PROCEEDINGS	Date Order or Judgment Note
2-21-75	MO: Ordered by the Court that jury trial is continued to 3-17-75, at 10:00 A.M. (AEB-J)b lts mld	
2-25-75	Appl. of def. Caldwell for continuance of jury trial setting of 3/17/75, filed. rm 0 6 9	
3-6-75	Submission of proposed instructions by defs., Heidler & Boggess, filed. rm	
3-10-75	Appl. of defs. Green, Howell, Hudson & Hunter, w/concurrence of other defs. and pltf. to strike trial setting of 3/17/75, filed. rm 0 6 9	
3-11-75	Order, filed, striking case from trial setting of 3-17-75, to be re-set upon notice. (AEB-J)g cpies mailed.	
3-21-75	Case set for jury trial on 6-2-75, at 10:00 AM (AEB-J)b nts mld.	
4-29-75	<u>MOTION to consolidate</u> and pltf's Brief in support thereof, filed. lm	
4-29-75	MO: It is ordered by the Court that defts. are given 10 days from this date to file a responsive brief. lm ltr. mld.	
5-9-75	Brief of defs., Green, Hudson, Hunter & Howell, in opposition to pltf. mo/consolidate, filed. rm	
5-21-75	MO: Ordered by the Court that case is stricken from jury trial docket of 6-2-75. (AEB-J)b ltrsmld	
5-21-75	Submission by Defts. Bailey and Hartman of Additional Requested Instructions, filed. lm	
5-21-75	Authorities in Support of Additional Proposed Instructions, filed. lm	
5-27-75	Brief in Opposition to Plaintiffs' Motion to Consolidate, filed. mm	
6-2-75	MO: Upon the disqualification of Chief Judge Allen E. Barrow, this case is hereby transferred to Hon. H. Dale Cook. (AEB-J)g	
6-12-75	MO: Case set for jury trial 8-11-75 at 10:00 a.m. (HDC-J)hm	
7-28-75	Depositions of James Wesley Heidler and Evelyn L. Heidler, on behalf of the plaintiffs, taken before Donald R. Lindquist (CSR) 7-18-75. (\$20.25), filed, lm.	
8-1-75	Pltf's mo/compel disc. & memorandum brief in support thereof, filed. hm	
8-4-75	MO: Deft. James W. Heidler directed to file responsive brief to mo/compel disc. by 8-5-75. (HDC-J)hm	
8-5-75	Letter dtd 8-5-75 frm B. Rizley to J. Cook in response to mo/compel discussion, filed. mm	
8-5-75	Defts James W. Heidler's Motion for COntinuance or in the alternative to permit Counsel of record to withdraw, W/Brief, filed. mm <i>Response</i>	
8-6-75	Plft. Doris Somers brief in Response to brief of James W. Heidler in Support of his motion for continuance, filed. mm	
8-6-75	Letter dated 8-6-75 from Frederic Dorwart to Judge Cook, filed, in response to plfts. motion to compel discovery.	
8-6-75	Order, filed, that def. J. Heidler's mo/cont. trial or in alternative permit withdrawal of counsel, is denied. (HDC-J)rm-copies	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 72-C-110 Sheet 7, Page 13 PAGE XXXXX OF XXXXX PAGES
Doris Somers		Joseph C. Caldwell, et al.	
DATE	NR.	PROCEEDINGS	
8-6-75		Motion of Dfts. Joseph C. Caldwell, Jr., Harry Green, et al., for Dismissal, fld.v and entered	
8-6-75		Order, filed, that case is dismissed as to Defts. Joseph C. Caldwell, Jr., Harry Green, Paul V. Hartman, Ferd Howell, Richard F. Hudson, Taylor V. Hunter, Jerald M. Schuman, J. Donald Walker and Larkin Bailey; dismissed w/prejudice. (HDC-J)v	
8-8-75		Order Overruling Pltfs' Motion to Compel Discovery and Consolidating 72-C-110 with 72-C-376 and 72-C-299, filed. (HDC-J) mm cps mld	
8-11-75	MO:	Case called for jury trial. Pltf. announces ready. Deft. announces not ready. Mr. Rizley states he does not represent deft. Boggess. Mr. Boggess appears in person, pro se, & parties stipulate to the use of deposition of Boggess in lieu of testimony because of medical condition. Case continued for jury trial until 8-18-75 at 10:00 a.m., and consolidated cases to be tried by Judge Bohanon. (HDC-J)hm	
8-15-75		Deft. James W. Heidler's proposed jury instructions, filed. g	
8-15-75		Pltf. proposed jury instructions, filed. hm	
8-18-75	MO:	Case called for jury trial. Parties present and rep. Parties agree that the Somer's Pretrial order will serve all four cases including the facts of all four cases. Parties announce settlement. Plaintiff to prepare necessary orders. Pltf. requests permission to withdraw their exhibits lthrough lll and Court so grants. Clerk to prepare receipt & have Pltf. sign it. Court recesses. (LB-J)v	
8-18-75		Receipt for exhibits signed by Plaintiff, filed. v	
8-21-75		Judgment, filed & entered, that pltf. Doris Somers have judgment against defts. Heidler Corporation and Carousel Investment Corp., James W. Heidler and Jacque Boggess, jointly and severally, in sum of \$108,948.82 with int. at 10% from date, and costs. Judgment not to be asserted by anyone other than pltf. by way of res judicata or collateral estoppel. (LB-J)g <i>Wade</i>	
11-5		Plaintiff's First set of Interrogatories to Jacque Boggess, filed.k	
3-29		Application for Temporary & permanent ord. in aid of Execution & Memo Brf in support thereof, filed.t	
3-30	MO	It is ordered by the Ct. that Defts' are granted 10 days from this date to respond to Pltf's Appl. for Temporary & Permanent Order in Aid of Execution. (HDC-J)t cps. mld	
3-31-76		Temporary Restraining Order, filed, that Evelyn L. Heidler is enjoined from repudiating her agreement; that pltf. mo/order in aid of execution is set for hrg. at 10 a.m. on 4/9/76 before Judge Cook. (HDC-J)rm - 2 c.c. served on Heidler's atty by Fred Dorwart	
4-6-76		Certificate of service, filed w/ cpy of Temporary Restraining Order signed by H. Dale Cook, Judge.t	
4-6-76		Execution issued. TV	
4-9		Case called for hearing on pltf's mo/order in aid of execution. Parties represented. Pltf. moves for consolidation of 72-C-299, 72-C-376 and 72-C-439 with this case, and with no objection from defts., said cases are consolidated for all further proceedings. Statements made. Deposition of James W. Heidler and Evelyn Heidler, affidavit attached to applic., and property settlement agreement received into evidence. Evelyn Heidler sworn and testifies. Parties given 5 days to make offer of any portions of divorce file, and those exhibits shall be admitted into evidence. Court takes ruling under advisement. Parties given 10 days to file simultaneous briefs; 3	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 72-C-110 Sheet 7, Page 14 XXXXXXXXXXXXXXXXXXXX
Doris Somers		Joseph C. Caldwell, Jr., et al.	
DATE	NR.	PROCEEDINGS	
		days thereafter to respond, if desired. Court continues TRO until ruling on question is made. (HDC-J)hm	
4-14		Temporary restraining order, filed. (HDC-J)hm	
4-14	MMO:	Case called for hearing on matter of TRO. Statements made. Mr. Mason is relieved of his approval of TRO filed this date, but the TRO will stand. Mr. Mason may file motion to vacate execution if he desires. (HDC-J)hm	
4-19		Brief of Evelyn L. Heidler, filed. ph	
4-19		Mo/dismiss TRO for lack of jurisdiction by Evelyn L. Heidler, filed, w/brief in support. ph (HDC-J)ph	
4-19	MO:	Ord. by the Ct. that pltf's file resp. brief in 10 days to above mc.	
4-20		B rief in support of pltf's appl. for order in aid of execution, (cps mld) filed. ph	
4-26		Resp. of Evelyn L. Heidler to brief of Doris Somers, et al, filed. ph	
4-26		Pltfs' brief, filed. ph	
4-30		Addendum (letter) to Heidler's brief filed 4-26-76, filed. g	
5-17		Execution ret. & filed, partially executed: 1972 Cadillac Eldorado V.I.N. 6L47620417544, Mo. Lic. #77AX064, seized and stored at Ron & Cliff's Body Shop, Forsyth, Mo. 4-13-76; rest of execution not satisfied. (USM \$27.04)g	
5-24		Order overruling motion to dismiss and order in aid of execution, further adjudged that the assets received by Evelyn L. Heidler from James W. Heidler in divorce decree of 10-12-72 are subject to execution. (HDC-J)ph cps mld to Tom Mason & Fred Dorwart	
6-22		Notice of appeal by Evelyn L. Heidler from judg. of 5/24/76, filed.rm	
6-22		Bond for costs on appeal (\$250 cash), filed. rm <i>copy to use 4</i>	
6-29		Designation of record on appeal by appellant, Evelyn Heidler, filed.rm	
7-6		Appellees' suppl. designation of record on appeal, filed. rm	
7-16		Reporter's transcript of proceedings had on 4/9/76, filed. (T-Bloxom)rm	
7-27		Original appeal record (3 vols) transmitted to USCA. rm	
11-18-76		Application of pltf. for citation for contempt against Evelyn Heidler, filed. rm	
1-21-77		Order, filed, denying appl. for contempt. (HDC-J)rm-copies to Carter and Mason	
1-26		Motion to reconsider denial of pltfs' appl. for citation for contempt, and memo. brief in support thereof w/Amended Appl. for Citation for Contempt as an Exhibit, filed. ph	
1-26	MO:	It is ordered by the Court that the deft, <i>Heidler</i> file a resp. brief within 20 days to the Plaintiff's Motion to Reconsider Denial of pltfs' appl. for Citation for Contempt, and Memo. brief in support thereof. (HDC-J)ph cps mld	
2-15		Deft. Evelyn L. Heidler's resp. brief to pltf's mo/reconsider denial of pltf's appl. for Citation for Contempt, and memo brief in support, filed. ph	
2-22		Pltfs' reply to Evelyn Heidler's resp. brief, filed. ph	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>72-C-110-C</u> sheet 8, Page 15 PAGE XXXX OF XXXX PAGES
Doris Somers, et al.		Joseph C. Caldwell, Jr., et al.	
DATE	NR.	PROCEEDINGS	
6-10		ORDER, fld., that the order issued by the Court on 1-21-77 should be affirmed. Further ordered that Pltfs.' mot. to reconsider Denial of Pltf.'s appl. for citation for contempt of Evelyn L. Heidler is overruled. (HDC-J)v -cps. mld.	
5-5-78		Mandate and opinion of the 10th Circuit, filed and spread of record, affirming Court's judg. of 5/24/76. rm	
5-5-78		Statement of costs from 10th Circuit, taxed in amt. of \$360 in favor of appellees, and against appellant, Evelyn L. Heidler. rm	
1981			
1-15		RELEASE of judgment filed 8-21-75. pt	
4-16-82		APPLIC for refund of costs bond on appeal.(0 to J)a	
4-21		ORDER direct.Clk to refund \$250.00 costs bond to Tom Mason,atty for Evelyn L. Heidler.(HDC-J)jc (c/atty)	

Attorney for defendant

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& Wilson
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PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	

PAGE ____ OF ____ PAGES